

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL NO. 2:11cr3 KS-MTP

CHARLES W. IRBY, JR.

ORDER ON DEFENDANT IRBY'S FOURTH MOTION IN LIMINE

This cause is before the Court on Defendant's Fourth Motion In Limine [71] and Memorandum in support thereof [72]. The Court has considered the Motion and authorities submitted and finds that the Court will not grant this Motion at this time. As the parties know, relevancy is a requirement under Rule 402 of the Federal Rules of Evidence. The Court at this time has not read the documents nor has it heard the supporting testimony that will be necessary to establish relevancy. For this reason, the Court finds that the Motion should be denied. However, the Court finds that prior to offering Exhibits 41 and 44, the Government should alert the Court and the Court will reconsider this matter at that time. It is assumed by the Court that the Government will have submitted evidence as to the relevancy of said documents. Further, the Court will have more information to address the issues of admissibility under Rule 403 of the Federal Rules of Evidence.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Defendant's Fourth Motion In Limine be and the same is hereby denied.

SO ORDERED this the 19<sup>th</sup> day of August, 2011.

*s/ Keith Starrett*  
UNITED STATES DISTRICT JUDGE